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13. (Amended) The image forming apparatus according to claim 9, wherein [said spacer is disposed over from end to end of] a region in which said electron-emitting devices are formed is an approximate rectangle and said spacer is disposed from one side of said region to an opposite side of said region.

REMARKS

Claims 9-15 are presented for consideration, with Claim 9 being independent.

Claims 9 and 13 have been amended to more clearly recite Applicants' invention and further distinguish it from the cited art.

In addition, the title has been changed to be more clearly indicative of the claimed subject matter.

Applicants are submitting herewith a revised List of References Cited (Form PTO-1449) that include the three citations that were submitted in the Information Disclosure Statement of July 28, 1999, but crossed out in the Form PTO-1449 attached to the Office Action. It appears the Examiner considered these references but crossed them out because inadequate dates were provided. The enclosed form includes the references and all the available date information. It is stipulated that all of the listed documents constitute prior art to the subject application.

The Examiner is respectfully requested to initial and return the enclosed form so these documents will be listed on any patent issuing from the subject application. No fee is deemed to be necessary in connection with this request. However, any necessary fees may be charged to Deposit Account No. 06-1205.

Claims 9 and 13 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Particular attention was paid to the grounds for this rejection as set forth on pages 4 and 5 of the Office Action in amending the claims as shown above. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, is respectfully requested.

Claims 9-15 were rejected on obviousness-type double patenting grounds as allegedly being unpatentable over Claims 1-20 of U.S. Patent No. 5,952,775. This rejection is respectfully traversed.

Claim 9 of the subject invention relates to an image forming apparatus comprised of a first plate including electron-emitting devices, a second plate disposed to face the first plate, and a plurality of spacers disposed between the first and second plate, with the spacers being disposed substantially parallel with each other and extending in a longitudinal direction. In addition, an outer frame hermetically surrounds a space between the first and second plates, and a getter is

disposed within the space and proximate to a side of the outer frame that is positioned across an imaginary extension of the spacers in the longitudinal direction.

In accordance with Applicants' claimed invention, the getter is positioned such that gas within the image forming apparatus can be easily and efficiently captured, and thus a vacuum within the space can be well-maintained.

The claims in the '775 patent are directed to an image forming apparatus that includes front and rear face plates, a plurality of flat plate spacers disposed substantially in parallel with each other and extending in a longitudinal direction, and an outer frame hermetically surrounding a space between the rear and face plates. As claimed, a vent tube communicates within the space and is attached to one of the rear plate, the face plate or the outer frame in a region bounded by imaginary extensions in the longitudinal directions and two outermost flat plate spacers across the outer frame.

In contrast to the subject claims, the claims in the '775 patent place the vent tube in either the rear plate, the face plate or the outer frame in the defined region. To the contrary, in Applicants' claimed invention patentably distinguishes over these claims because, among other reasons, the

getter is disposed proximate to a side of the outer frame positioned across an imaginary extension of the spacers.

In view of the foregoing, reconsideration and withdrawal of the double patenting rejection over Claims 1-20 of U.S. Patent No. 5,952,775 is respectfully requested.

Claims 9-15 were rejected under 35 U.S.C. §103 as allegedly being obvious over Banno '861 in view of Jones '608. This rejection is respectfully traversed.

Banno relates to a display apparatus that includes electron emitting devices and a space defined by a rear plate 9 and a front plate 1. Figure 3 shows a getter 7 and a vacuum tube 12 disposed within the sealed space. As acknowledged in the Office Action, Banno does not teach or suggest a plurality of spacers.

The secondary citation to Jones relates to a field emission display device and was cited to compensate for the deficiencies in Banno. Jones is said to include a spacer assembly 98, which is shown in Figure 9.

It is respectfully submitted, however, that Jones does not teach a plurality of spacers disposed as recited in Applicants' claimed invention. The spacer assembly 98 in Jones is comprised of a top spacer 100, an intermediate spacer 102 and

a bottom spacer 104 stacked vertically. Thus, even assuming, arguendo, Banno and Jones could have been combined in the manner proposed in the Office Action, such a combination still fails to teach or suggest Applicants' claimed invention. Moreover, the proposed combination also fails to teach or suggest, absent hindsight, placing the getter in the manner recited in independent Claim 9. For at least these reasons, reconsideration and withdrawal of the rejection under 35 U.S.C. §103, is deemed to be in order and such action is respectfully requested.

Accordingly, it is submitted that Applicants' invention as set forth in independent Claim 9 is patentable over the cited art. In addition, dependent Claims 10-15 set forth additional features of Applicants' invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All

correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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